
HOUSE BILL 1427

State of Washington 60th Legislature 2007 Regular Session

By Representatives Appleton and Hasegawa

Read first time 01/19/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to permitting educational employees not employed in
2 instructional, research, or principal administrative capacities,
3 including school bus drivers, to receive benefits for periods of
4 unemployment between academic terms; amending RCW 50.44.050; and
5 creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 50.44.050 and 2001 c 100 s 2 are each amended to read
8 as follows:

9 Except as otherwise provided in subsections (1) through ~~((+4))~~ (3)
10 of this section, benefits based on services in employment covered by or
11 pursuant to this chapter shall be payable on the same terms and subject
12 to the same conditions as compensation payable on the basis of other
13 service subject to this title.

14 (1) Benefits based on any and all service in an instructional,
15 research, or principal administrative capacity for any and all
16 educational institutions shall not be paid to an individual for any
17 week of unemployment which commences during the period between two
18 successive academic years or between two successive academic terms
19 within an academic year (or, when an agreement provides instead for a

1 similar period between two regular but not successive terms within an
2 academic year, during such period) if such individual performs such
3 services in the first of such academic years or terms and if there is
4 a contract or reasonable assurance that such individual will perform
5 services in any such capacity for any educational institution in the
6 second of such academic years or terms. Any employee of a common
7 school district who is presumed to be reemployed pursuant to RCW
8 28A.405.210 shall be deemed to have a contract for the ensuing term.

9 ~~(2) ((Benefits shall not be paid based on any and all services in
10 any other capacity for any and all educational institutions for any
11 week of unemployment which commences during the period between two
12 successive academic years or between two successive academic terms
13 within an academic year, if such individual performs such services in
14 the first of such academic years or terms and there is a reasonable
15 assurance that such individual will perform such services in the second
16 of such academic years or terms: PROVIDED, That if benefits are denied
17 to any individual under this subsection and that individual was not
18 offered an opportunity to perform such services for the educational
19 institution for the second of such academic years or terms, the
20 individual is entitled to a retroactive payment of benefits for each
21 week for which the individual filed a timely claim for benefits and for
22 which benefits were denied solely by reason of this subsection.~~

23 ~~(3))~~ Benefits shall not be paid based on any services described in
24 subsection(~~(s)~~) (1) (~~and (2)~~) of this section for any week of
25 unemployment which commences during an established and customary
26 vacation period or holiday recess if such individual performs such
27 services for any educational institution in the period immediately
28 before such vacation period or holiday recess, and there is a
29 reasonable assurance that such individual will perform such services
30 for any educational institution in the period immediately following
31 such vacation period or holiday recess.

32 ~~((4))~~ (3) Benefits shall not be paid (as specified in
33 subsection(~~(s-1)~~),) (1) or (2)(~~(, or (3))~~) of this section) based on
34 any services described in subsection(~~(s)~~) (1) (~~or (2)~~) of this
35 section to any individual who performed such services in any
36 educational institution while in the employ of an educational service
37 district which is established pursuant to chapter 28A.310 RCW and
38 exists to provide services to local school districts.

1 (~~(5)~~) (4) As used in this section, "academic year" means: Fall,
2 winter, spring, and summer quarters or comparable semesters unless,
3 based upon objective criteria including enrollment and staffing, the
4 quarter or comparable semester is not in fact a part of the academic
5 year for the particular institution.

6 NEW SECTION. **Sec. 2.** This act applies to claims with an effective
7 date on or after June 3, 2007.

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